

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KARA SAMPSON,

Plaintiff

Case No. 3:22-cv-00418-MMD-CSD

ORDER

v.

W.C.S.O., et al.,

Defendant

I. DISCUSSION

On September 19, 2022, Plaintiff, an inmate in the custody of the Nevada Department of Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1.) Plaintiff's application to proceed *in forma pauperis* is incomplete. Plaintiff has not submitted this Court's approved application to proceed *in forma pauperis*, a financial certificate, or an inmate account statement for the previous six-month period with Plaintiff's application.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, an inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period.**

Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) without prejudice because the application is incomplete. The Court will grant

1 Plaintiff a **one-time extension** to file a fully complete application to proceed *in forma*
2 *pauperis* containing all three of the required documents. Plaintiff will file a fully complete
3 application to proceed *in forma pauperis* on or before **January 23, 2023**. Absent unusual
4 circumstances, the Court will not grant any further extensions of time. If Plaintiff does not
5 file a fully complete application to proceed *in forma pauperis* with all three required
6 documents on or before **January 23, 2023**, this case will be subject to dismissal without
7 prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to acquire all
8 three of the documents needed to file a fully complete application to proceed *in forma*
9 *pauperis* or pays the full \$402 filing fee.

10 A dismissal without prejudice means Plaintiff does not give up the right to refile the
11 case with the Court, under a new case number, when Plaintiff has all three documents
12 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff
13 may choose not to file an application to proceed *in forma pauperis* and instead pay the
14 full filing fee of \$402 on or before **January 23, 2023**, to proceed with this case.

15 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1) but the Court
16 will not file the complaint unless and until Plaintiff timely files a fully complete application
17 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

18 The Court also notes that parts of the complaint are very difficult to read. Nevada
19 Local Rule of Practice IA 10-1(a)(1)-(3) provides that a filed document cannot contain
20 more than 28 lines of text per page, the text size must be size 12 font or larger, and
21 handwriting must be legible. If Plaintiff files a complete application to proceed *in forma*
22 *pauperis* by January 23, 2023, the Court will screen Plaintiff's complaint, and the Court
23 will do its best to understand Plaintiff's allegations. However, to the extent that the Court
24 cannot read or understand portions of the complaint, the Court will have no option but to
25 ignore those allegations for the purposes of screening. The Court notes that Plaintiff may
26 file a first amended complaint with clearer handwriting. If Plaintiff chooses to file a first
27 amended complaint, Plaintiff will file the first amended complaint on or before **January**
28 **23, 2023**.

1 **II. CONCLUSION**

2 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
3 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete
4 application to proceed *in forma pauperis* with all three documents.

5 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
6 approved form application to proceed *in forma pauperis* by an inmate, as well as the
7 document entitled information and instructions for filing an *in forma pauperis* application.

8 IT IS FURTHER ORDERED that on or before **January 23, 2023**, Plaintiff will either
9 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
10 administrative fee) or file with the Court:

11 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
12 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
13 signatures on page 3),

14 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
15 official (i.e. page 4 of this Court's approved form), and

16 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
17 **previous six-month period.**

18 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
19 application to proceed *in forma pauperis* with all three documents or pay the full \$402
20 filing fee for a civil action on or before **January 23, 2023**, this case will be subject to
21 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case
22 number, when Plaintiff has all three documents needed to file a complete application to
23 proceed *in forma pauperis* or pays the the full \$402 filing fee.

24 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
25 (ECF No. 1-1) but will not file it at this time.

26 It is further ordered that the Clerk of the Court will send to Plaintiff the approved
27 form for filing a § 1983 complaint, instructions for the same, and a copy of Plaintiff's
28 original complaint (ECF No. 1-1). If Plaintiff chooses to file an amended complaint,

1 Plaintiff should use the approved form and Plaintiff will write the words "First Amended"
2 above the words "Civil Rights Complaint" in the caption.

3 IT IS FURTHER ORDERED that if Plaintiff chooses to file an amended complaint
4 with more legible handwriting, Plaintiff will file the amended complaint on or before
5 **January 23, 2023.**

6
7 DATED: November 21, 2022

8 
9 UNITED STATES MAGISTRATE JUDGE